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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,831	10/07/2004	Charles Allen Crawford	JD-295A	5830
24804	7590	06/03/2005		
S.C. JOHNSON COMMERCIAL MARKETS INC 8310 16TH STREET, M/S 510 PO BOX 902 STURTEVANT, WI 53177-0902			EXAMINER HAMLIN, DERRICK G	
			ART UNIT 1751	PAPER NUMBER

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/711,831

Applicant(s)

CRAWFORD ET AL

Examiner

Derrick G. Hamlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6,9,10,14 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6,9,10,14 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

Claims 6, 9, 10, 14 and 22-26 are currently pending, although applicant states that "claims 1-21 are cancelled which obviates any discussion" (paragraph 2 of remarks).

The rejection of claim 9, under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is maintained for the reasons set forth in the action mailed 12/14/04.

The rejection of claims 1-13, under 35 U.S.C. 102(b) as being anticipated by Beavan (US 4,390,441 A), is withdrawn in view of the applicant's amendment filed 12/14/04.

The rejection of claims 1-4 and 7-9, under 35 U.S.C. 102(b) as being anticipated by Coughlin et al. (US 6,423,675 A), is withdrawn in view of the applicant's amendment filed 12/14/04.

The rejection of claims 14-18 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Beavan (US 4,390,441 A), is withdrawn in view of the applicant's amendment filed 12/14/04.

The rejection of claims 9 and 19-26 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Beavan (US 4,390,441 A), is withdrawn in view of the applicant's amendment filed 12/14/04.

Claims 1-5, 7, 8, 11-13 and 15-21 have been cancelled.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6, 9, 10, 14 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beavan (US 4,390,441 A).

Beaven discloses a composition in solid or liquid form for machine dishwashing is disclosed, containing a builder such as a phosphate salt, an alkaline material such as sodium silicate and a halite such as sodium chlorite. The composition is for use with a machine incorporating an ultraviolet light source to irradiate the dishes and/or the liquor. The composition may also include a low-foaming or non-foaming surfactant and other usual adjuncts, especially enzymes. An exemplified composition is 33% tripolyphosphate, 27% sodium disilicate, 33% chlorite, 7% sodium tetraborate. (abstract) For the purposes of stain removal, particularly the removal of tea and coffee stains, and for the purposes of providing a germicidal effect, it is known to include hypochlorite compounds in machine dishwashing formulations. (col. 1, lines 4-6) The reference teaches that chlorites are used as oxidizing agents in acid media, for example for bleaching cellulose, the chlorite in acid media producing chlorine dioxide which is the species responsible for the bleaching. (col. 1, lines 28-31) Furthermore, chlorite ions are known to react with chlorine or chlorine producing materials such as calcium hypochlorite or sodium dichloro-isocyanurate to produce chlorine dioxide. (col. 3, lines

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65-68) From 0.5% to 60%by weight of a material yielding halite ions in aqueous media with sufficient alkaline material to give the composition a pH of at least 7.0 when dispersed at 0.5 g/l in water is also disclosed. (col. 1, lines 61-66) The compositions disclosed containing chlorine dioxide and a detergent were used in a dish washer to clean tea stained cups at temperatures of 20-65 degrees C. (col. 5 and 6, Table 2)

The reference fails to teach the composition is used for laundry or fabric treatments.

The reference does teach that chlorites are used as oxidizing agents in acid media, for example for bleaching cellulose, the chlorite in acid media producing chlorine dioxide, therefore there would be a reasonable expectation of success to modify the prior art to arrive at the instantly claimed invention because the prior art suggest bleaching a cellulose material and textile and are often a cellulose material.

Additionally, the reference makes it clear that when bleaching a cellulose the chlorite in acid is employed. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the instant composition for the bleaching of a cellulose material.

The reference does not teach the instant invention with sufficient specificity to constitute anticipation. The reference fails to teach that the composition disclosed removes chlorhexidine gluconate stains.

The invention would have been obvious in view of the reference as the removal chlorhexidine gluconate stains is an inherent property of the compound. Furthermore the reference does teach that chlorine dioxide is used to remove tea stains, and there

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would therefore be a reasonable expectation of success to modify the prior art to arrive at the instantly claimed invention because the prior art suggest that the agent is an affective stain remover. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use chlorine dioxide to remove chlorhexidine gluconate stains.

In view of the forgoing, the above claims have failed to be patently distinguishable over prior art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All of the claims would also have been obvious in view of US 5,872,111 (Au et al.), specifically example 31 and column 29.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

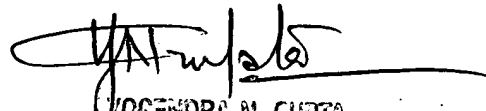
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick G. Hamlin whose telephone number is (571) 272-1317. The examiner can normally be reached on Monday-Fridays from ~8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick G. Hamlin

5/31/05



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